

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRAVON LEON FREEMAN,

Plaintiff,

v.

RALPH DIAZ, et al.,

Defendants.

No. 1:20-cv-01268-NONE-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. Nos. 11, 13)

ORDER DISMISSING ACTION

ORDER FOR CLERK TO ASSIGN A
DISTRICT JUDGE TO THIS CASE FOR THE
PURPOSE OF CLOSING THE CASE AND
THEN TO CLOSE THIS CASE

Travon Freeman (“plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 24, 2020, the assigned magistrate judge entered findings and recommendations, recommending that plaintiff’s first amended complaint “be dismissed for failure to state a claim upon which relief may be granted,” and that “[t]he Clerk of Court be directed to close this case.” (Doc. No. 13 at 8.) The pending findings and recommendations specifically recommend that the action be dismissed without further leave to amend because the court identified the deficiencies in plaintiff’s allegations in its first screening order, provided him with the relevant legal standards, and afforded him an opportunity to amend. (*See id.*) Plaintiff

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thereafter amended his complaint but failed to cure the deficiencies identified in the screening order. (*See id.*)

Plaintiff was provided an opportunity to file objections to the findings and recommendations. The deadline to file objections has passed, and plaintiff has not filed objections or otherwise responded to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the magistrate judge's findings and recommendations are supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations issued on November 24, 2020, (Doc. No. 13), are adopted in full;
2. This action is dismissed for failure to state a claim upon which relief may be granted; and
3. The Clerk of Court is directed to assign a district judge to this case for the purpose of closing the case and then to close this case.

IT IS SO ORDERED.

Dated: **January 13, 2021**


UNITED STATES DISTRICT JUDGE